

REMARKS

Claims 1-8 have been cancelled. The remaining claims stand rejected as being either anticipated by, or obvious in view of, Onda.

Applicant has submitted a declaration showing completion of the invention in the United States before September 9, 1997 thereby removing Onda as a reference. The Examiner has not accepted the declaration because "the document entitled 'High Breakdown Voltage, Strain Compensated AlInAs/GaInP HEMPT' is not commensurate in scope with the claims". This comment is not understood.

Fig. 1 of the document submitted with the declaration shows the structure shown in FIG. 5 of the patent application, such FIG. 5 being described on pages 11 through 17 of the patent application. It is respectfully requested that the Examiner point out which feature of the claimed invention is not in the document submitted with the declaration.

Further, with regard to Onda, it is respectfully submitted that the Examiner point out where in Onda such patent described that the Schottky layer has a different lattice constant than the substrate as in claim 18.

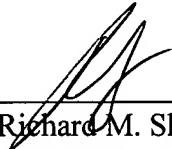
The Examiner is respectfully invited to telephone the undersigning attorney regarding this amendment or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0845.

Respectfully submitted,

Date

7/19/02

  
Richard M. Sharkansky  
Attorney for Applicant(s)  
Registration No. 25,800  
Daly, Crowley & Mofford, LLP  
275 Turnpike Street, Suite 101  
Canton, MA 02021-2310  
Telephone (781) 401-9988 x23  
Facsimile (781) 401-9966

rt2-047PUS-rs to final office action dated 050102 from home 7\_12\_02 filed with rce